

Magistrate Judge Paula L. McCandlis

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff

v.

ALBERINO LOPEZ-CRUZ,  
Defendant.

CASE NO. MJ25-206

COMPLAINT for VIOLATION

Title 8, U.S.C., Section 1326(a)

BEFORE, United States Magistrate Judge PAULA L. McCANDLIS, U.S.  
Courthouse, Seattle, Washington.

The undersigned complainant being duly sworn states:

**COUNT ONE**

**(Reentry of Removed Alien)**

On or about April 2, 2025, in Whatcom County, within the Western District of  
Washington, ALBERINO LOPEZ-CRUZ, an alien, a native and citizen of Mexico, was  
found in the United States after having been removed therefrom, and after knowingly and  
voluntarily reentering the United States without having obtained the express consent of  
the Attorney General and the Secretary of the Department of Homeland Security to  
reapply for admission to the United States.

1 All in violation of Title 8, United States Code, Section 1326(a).

2 And the complainant states that this Complaint is based on the following  
3 information:

4 I, Special Agent Jordan Dolan, being first duly sworn on oath, depose and say:

5 **INTRODUCTION**

6 1. I am a Special Agent with Homeland Security Investigations (HSI). As a  
7 Special Agent, I am empowered by law to investigate and to make arrests for offenses  
8 enumerated in Title 8 of the United States Code. I have been a Special Agent with HSI  
9 since February 21, 2016. I was trained to conduct investigations relating to violations of  
10 federal law through attending the Criminal Investigator Training Program and the  
11 Homeland Security Investigations Special Agent Training Program at the Federal Law  
12 Enforcement Training Centers (FLETC) in Glynco, Georgia. While at FLETC, I  
13 received nearly 1000 hours of training in such areas including, but not limited to  
14 criminal law, human smuggling/trafficking investigations, and criminal procedures. I  
15 was trained to conduct investigations relating to violations of Title 8 of the United States  
16 Code.

17 2. Prior to being a Special Agent with HSI, I was employed as a Border Patrol  
18 Agent (BPA) with the United States Border Patrol (USBP), from September 1999 to May  
19 2005. As a BPA, I conducted criminal investigations focusing on the entry without  
20 inspection and illegal re-entry of undocumented aliens as well as human smuggling of  
21 undocumented aliens across the United States border with Mexico.

22 3. The facts set forth in this Affidavit are based on my own personal  
23 knowledge; knowledge obtained from other individuals during my participation in this  
24 investigation, including other law enforcement personnel; review of documents and  
25 records related to this investigation; communications with others who have personal  
26 knowledge of the events and circumstances described herein; and information gained  
27 through my training and experience. This Affidavit is intended to merely show there is

1 sufficient probable cause for the above charge and does not set forth all my knowledge  
2 about this matter.

3 4. As further detailed below, based on my investigation and the investigation  
4 of other law enforcement officers, I submit there is probable cause to believe that  
5 Alberino LOPEZ-CRUZ, who was previously removed from the United States, was  
6 found in the United States after knowingly and voluntarily reentering the United States  
7 without prior authorization to do so.

### 8 **SUMMARY OF PROBABLE CAUSE**

9 5. United States Citizenship and Immigration Services (USCIS) maintains an  
10 alien registration administration file, commonly referred to as an “A-file,” A201-157-  
11 414, on Alberino LOPEZ-CRUZ (hereinafter “LOPEZ-CRUZ”). This file is the official  
12 immigration file maintained by USCIS and is a consolidated repository of all known  
13 immigration contacts with LOPEZ-CRUZ. It contains documents pertaining to his  
14 identity and alienage and shows that he is a native and citizen of Mexico.

15 6. LOPEZ-CRUZ’s A-file contains official immigration records of the  
16 Department of Homeland Security (DHS). The records in LOPEZ-CRUZ’s A-file reflect  
17 the following criminal and immigration history relating to LOPEZ-CRUZ:

- 18 a. On February 28, 2011, in the U.S. District Court, District of Arizona,  
19 LOPEZ-CRUZ was convicted of one count of Title 8, U.S.C.,  
20 Section 1325, Illegal Entry into the United States, and was sentenced  
21 to two days of imprisonment.
- 22 b. On February 28, 2011, the United States Border Patrol (USBP)  
23 Agent in Charge (acting) in Tucson, Arizona ordered LOPEZ-CRUZ  
24 removed from the United States pursuant to an Order of Expedited  
25 Removal. LOPEZ-CRUZ was physically removed from the United  
26 States to Mexico on February 28, 2011, on foot via the Nogales Port  
27 of Entry.

1 c. On April 29, 2011, the USBP Agent in Charge in Sumas,  
2 Washington determined LOPEZ-CRUZ was subject to removal from  
3 the United States through reinstatement of his prior order of  
4 removal. LOPEZ-CRUZ was physically removed from the United  
5 States to Mexico on May 7, 2011, on foot via the San Ysidro Port of  
6 Entry.

7 7. The above removal records bear the fingerprint, photograph, and signature  
8 of LOPEZ-CRUZ as physical proof of his removal from the United States to Mexico.

9 8. On February 26, 2025, HSI Blaine, Washington served a Notice of  
10 Inspection (NOI) and administrative subpoena to the owner of Mt. Baker Roofing,  
11 located at 928 Thomas Rd, Bellingham, Washington 98226. The NOI and subpoena  
12 requested Employment Eligibility Verification Forms (I-9s) and identification documents  
13 for each employee.

14 9. On March 4, 2025, HSI received I-9s and identification documents for the  
15 employees at of Mt. Baker Roofing. Among those I-9 forms, HSI agents located a Form  
16 I-9 with LOPEZ-CRUZ's name and known date of birth. Accompanying LOPEZ-  
17 CRUZ's I-9 was photocopy of Permanent Resident Alien card ("LPR card") that  
18 displayed LOPEZ-CRUZ's biographical information and listed A-number A096-176-951.

19 10. HSI agents conducted DHS systems and databases checks that showed that  
20 LOPEZ-CRUZ was not, and had never been, a legal permanent resident of the United  
21 States, and that he was previously removed from the country. DHS systems checks also  
22 indicated that the A number reflected on the LPR card presented by LOPEZ-CRUZ  
23 (A096-176-951) was not assigned to him.

24 11. On April 2, 2025, HSI, Enforcement and Removal Operations (ERO)  
25 officers, United States Border Patrol (USBP) agents, and Customs and Border Protection  
26 (CBP) officers executed a federal search warrant at Mt. Baker Roofing in Bellingham,  
27 Washington. During the warrant execution, agents questioned LOPEZ-CRUZ and he

1 admitted to being a citizen of Mexico with no legal documentation to remain in the  
2 United States. LOPEZ-CRUZ was then placed under arrest for civil administrative  
3 immigration violations and transported to ERO's office in Tukwila, Washington for  
4 further interviewing and processing.

5 12. 12. At ERO Tukwila, ERO Deportation Officers submitted LOPEZ-  
6 CRUZ's fingerprints to the Department of Homeland Security (DHS) IDENT Biometric  
7 Database which returned a positive fingerprint match to LOPEZ-CRUZ, assigned A-file  
8 A201-157-414. DHS systems checks also showed that A-file A201-157-414 contained  
9 evidence of LOPEZ-CRUZ's immigration history into the United States, mentioned  
10 above.

11 13. Agents have conducted a complete and thorough review of LOPEZ-  
12 CRUZ's A-file A201-157-414. LOPEZ-CRUZ's A-file contains no evidence that  
13 Defendant has ever applied for or received permission from the Attorney General or the  
14 Secretary of the Department of Homeland Security to reenter the United States after  
15 being removed.

16 14. Based on the foregoing, I have probable cause to believe that LOPEZ-  
17 CRUZ was found in the United States, after knowingly and voluntarily reentering the  
18 United States without the express consent of the Attorney General and the Secretary of  
19 the Department of Homeland Security, in violation of Title 8, United States Code,  
20 Section 1326(a).

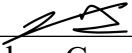
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**CONCLUSION**

15. Based on the above facts, I respectfully submit that there is probable cause to believe that Alberino LOPEZ-CRUZ has committed the aforementioned offense.

  
Jordan Dolan, Complainant  
Special Agent, Homeland Security  
Investigations

The above-named agent provided a sworn statement attesting to the truth of the foregoing Complaint and Affidavit. Based on the Complaint and Affidavit, the Court hereby finds there is probable cause to believe the Defendant committed the offense set forth in the Complaint.

DATED this 10<sup>th</sup> day of April 2025

  
HON. PAULA L. McCANDLIS  
United States Magistrate Judge